

ORIGINAL

MCWHIRTER REEVES
ATTORNEYS AT LAW

TAMPA OFFICE:
400 NORTH TAMPA STREET, SUITE 2450
TAMPA, FLORIDA 33602
P. O. BOX 3350 TAMPA, FL 33601-3350
(813) 224-0866 (813) 221-1854 FAX

PLEASE REPLY TO:

TALLAHASSEE

TALLAHASSEE OFFICE:
117 SOUTH GADSDEN
TALLAHASSEE, FLORIDA 32301
(850) 222-2525
(850) 222-5606 FAX

September 29, 2003

VIA HAND DELIVERY

Blanca S. Bayo, Director
Division of Records and Reporting
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4075 Esplanade Way
Tallahassee, Florida 32399-0870

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COMMISSION
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Re: Docket No.: 030001-EI

Dear Ms. Bayo:

On behalf of the Florida Industrial Power Users Group (FIPUG), enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ The Florida Industrial Power Users Group's Objections to Tampa Electric Company's Motion to File Supplemental Testimony.

Please acknowledge receipt of the above on the extra copy and return the stamped copy to me. Thank you for your assistance.

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Sincerely,

Vicki Gordon Kaufman
Vicki Gordon Kaufman

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MCWHIRTER, REEVES, MCGLOTHLIN, DAVIDSON, KAUFMAN & ARNOLD, P.A.

DOCUMENT NUMBER-DATE
09330 SEP 29 8
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power
cost recovery clause and generating
performance incentive factor.

Docket No. 030001-EI
Filed: September 29, 2003

**The Florida Industrial Power Users Group's Objection to
Tampa Electric Company's Motion to File Supplemental Testimony**

The Florida Industrial Power Users Group (FIPUG) objects to Tampa Electric Company's (TECo) request that it be permitted to file supplemental testimony in this docket. Such motion should be denied.

1. At the beginning of every year, the Commission establishes the schedule to be followed in this docket. On January 21, 2003, the Commission issued Order No. PSC-03-0113-PCO-EI, Order Establishing Procedure. That Order set out the dates for filing testimony. It provides that utility projection testimony must be filed on September 12, 2003 and that intervenor testimony is due on October 2, 2003.

2. It should be noted that, even under the Commission's schedule set out in Order No. PSC-03-0113-PCO-EI, there is a mere three weeks between the utilities' filing of their projection testimony and the due date for intervenor testimony.

3. One of the preliminary issues raised in this proceeding, as noted on Staff's preliminary issue list provided to the parties in *July 2003*, is:

ISSUE 17E: Is Tampa Electric's June 27, 2003, request for proposals sufficient to determine the current market price for coal transportation?

4. It is FIPUG's understanding that TECo has requested a Commission determination on this issue at the November hearing. However, despite the schedule set out in the Order on Procedure, TECo filed "supplemental testimony" of two witnesses (Mr. Dibner and

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Ms. Wehle) on this issue on September 25, 2003.¹ It is FIPUG's understanding² that this supplemental testimony contains, among other things, TECo's outside consultant's analysis of the transportation bids received, calculations via an undisclosed model of suggested market-based rates as well as recommendations as to how TECo should proceed.

5. TECo's "justification" for its last minute filing is that it told the parties in its September 12th filing that it would be filing supplemental testimony and that the supplemental testimony is in the nature of "corrected or revised" testimony. First, simply because TECo informed the parties of its intent to file supplemental testimony in no way justifies the last minute filing. And such testimony is *not* "corrected or revised." It is entirely new testimony on topics not yet addressed and includes a lengthy consultant's report of some 78 pages not previously provided.

6. If TECo's "supplemental" testimony is permitted, intervenors would have **one week** to review the analysis, conduct discovery (to the extent that is even possible), and draft testimony in response to TECo's witnesses.³ This is patently unreasonable and a clear violation of intervenors' due process rights.

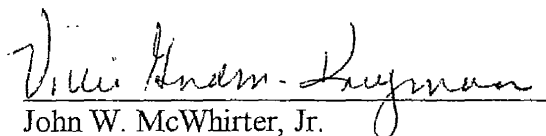
7. The timing of the TECo RFP, and all activities connected with it, have been solely and totally in TECo's control. Its eleventh hour filing should not be permitted. The Commission should not permit such testimony and should defer any consideration of issues surrounding TECo's RFP to the next fuel adjustment hearing or to a separate docket.

¹ While the testimony was filed with the Commission on that day, it was mailed to FIPUG and was not received until September 26th.

² Much of the testimony is redacted so FIPUG has not been able to even review it in its entirety.

³ FIPUG suggests that even an extension of the due date for intervenor testimony, at this late point in the case, would not remedy the due process problem.

WHEREFORE, TECo's motion to file supplemental testimony should be denied.



John W. McWhirter, Jr.
McWhirter Reeves McGlothlin Davidson
Kaufman & Arnold, P.A.
400 North Tampa Street, Suite 2450
Tampa, Florida 33601-3350

Vicki Gordon Kaufman
McWhirter Reeves McGlothlin Davidson
Kaufman & Arnold, P.A.
117 South Gadsden Street
Tallahassee, Florida 32301

Attorneys for the Florida Industrial
Power Users Group

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing The Florida Industrial Power Users Group's Objection to Tampa Electric Company's Motion to File Supplemental Testimony has been furnished by (*) hand delivery, or U.S. Mail this 29th day of September, 2003, to the following:

(*)Wm. Cochran Keating IV
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

John T. Butler
Steel Hector & Davis LLP
200 S. Biscayne Boulevard
Suite 4000
Miami, Florida 33131-2398

Jeffrey A. Stone
Beggs & Lane
Post Office Box 12950
Pensacola, Florida 32591

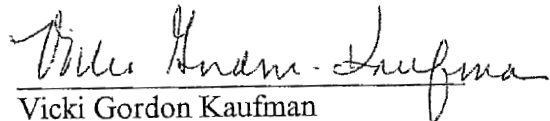
Norman H. Horton
Messer, Caparello & Self
215 South Monroe Street
Suite 701
Tallahassee, Florida 32302

Rob Vandiver
Office of the Public Counsel
111 West Madison Street
Room 812
Tallahassee, Florida 32399

Lee L. Willis
James D. Beasley
Ausley & McMullen
227 S. Calhoun Street
Tallahassee, Florida 32302

James A. McGee
100 Central Avenue, Suite CX1D
St. Petersburg, Florida 33701

John T. English
Florida Public Utilities Company
Post Office Box 3395
West Palm Beach, Florida 33402


Vicki Gordon Kaufman